

**REMARKS/ARGUMENTS**

Reconsideration of this application and entry of the foregoing amendments are respectfully requested.

The claims have been revised to define the invention with additional clarity. Claims 93 and 95 have been deleted without prejudice. That claims have been amended/cancelled should not be taken as an indication that Applicants agree with any position taken by the Examiner. Rather, the revisions have been made to advance prosecution and Applicants reserve the right to pursue any deleted subject matter in a continuation application. The claims as presented are fully supported by an enabling disclosure.

New claims 98-100 are also fully supported by an enabling disclosure (see, for example, paragraph bridging pages 9 and 10, page 10, lines 16-18), including the claims as originally filed.

Claims 77-79, 84, 89-91, 93 and 95 stand rejected under 35 USC 112, first paragraph, as allegedly being non-enabled. Withdrawal of the rejection is submitted to be in order in view of the above-noted claim revisions and further in view of the comments that follow.

The claims have been revised so as to make specific reference to *Candida albicans*, *E. coli*, *P. aeruginosa*, *S. aureus* and methicillin resistant *S. aureus* (support of these organisms can be found in the Examples). At the bottom of page 3 of the Action, the Examiner appears to acknowledge that claims so limited are enabled. Accordingly, reconsideration and withdrawal of the rejection are requested.

Claims 77 and 78 stand rejected under 35 USC 112, second paragraph, as allegedly being indefinite. Withdrawal of the rejection is submitted to be in order in view of the above-noted claim revisions and further in view of the comments that follow.

Claim 77, from which claim 78 depends, has been revised so as to be drawn to a method of treating specified infections (as pointed out above, support for the recited infections can be found in the Examples). The method comprises administering to a subject in need thereof, by systemic administration or by local application (see page 12, lines 28-31 for support) to the area to be treated, the compound of Formula I (with certain exceptions), activating the compound by exposing that area to light and thereby effecting treatment of the infection. It is submitted that the claim as presented makes the therapeutic objective abundantly clear.

The Examiner's concerns regarding the terms "other lesions" and "dental bacterial disease" are moot in view of the revision of claim 77.

Reconsideration is requested.

Claim 79 stands rejected under 35 USC 112, second paragraph, as allegedly being indefinite. Withdrawal of the rejection is submitted to be in order in view of the above-noted claim revisions and comments that follow.

Claim 79 has been revised to make it clear that the surface or fluid to which the compound has been applied or contacted is exposed to light to activate the compound (see page 11, lines 14-16). Further, the claim has been revised to connect the method steps to the preamble objective. Accordingly, reconsideration is requested.

Claim 84 stands rejected under 35 USC 112, second paragraph, as allegedly being indefinite. Withdrawal of the rejection is submitted to be in order in view of the above-noted claim revisions and comments that follow.

Claim 84 has been revised so as to be drawn to a method of killing, deactivating or removing specified organisms (which find support in the Examples) present in a fluid. Support for the recitation of "killing, deactivating or removing" can be found, for example, in the

Abstract, and at page 4, lines 11 and 12. In the claim as presented, the preamble objective is connected to the recited fluid treatment steps.

Reconsideration is requested.

Claim 89 stands rejected under 35 USC 112, second paragraph, as allegedly being indefinite. Withdrawal of the rejection is submitted to be in order in view of the above-noted claim revisions and comments that follow.

Claim 89 has been revised to depend from claim 77. Given the structure of claim 77, this revision is believed to moot the Examiner's concerns and reconsideration is requested.


Claims 93 and 95 stand rejected under 35 USC 112, second paragraph. Cancellation of these claims renders these rejections moot.

This application is submitted to be in condition for allowance and a Notice to that effect is requested. If the Examiner finds that any issues remain outstanding, she is urged to contact the undersigned by phone so that they can be resolved.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:

A handwritten signature in dark ink, appearing to read "Mary J. Wilson", is written over a horizontal line.

Mary J. Wilson  
Reg. No. 32,955

MJW:tat  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100